

Arizona Commission on Access to Justice

DRAFT MINUTES

Wednesday, May 15, 2019

10:00 a.m. to 2:00 p.m.

State Courts Building, 1501 W. Washington Street, Conf. Rm. 345A/B, Phoenix, AZ 85007

Present: Judge Lawrence Winthrop (chair), Kip Anderson, Judge Janet Barton, Mike Baumstark, Judge Thomas Berning (*telephonic*), Pamela Bridge (*telephonic*), Judge Maria Elena Cruz, Kathy Schaben (proxy for Judge David Haws), Judge Anna Huberman, William Knight, Judge Joseph C. Kreamer, Maria Morlacci, Joel England, Helen Purcell, Janet K. Regner, Dr. Kevin Ruegg, Valerie Wyant (*telephonic*), Anthony Young

Absent/Excused: Kevin Groman

Presenters/Guests: Justice Robert Brutinel, Don Bivens, Cathleen Cole, Joannie Collins, Joanne Dufour, Scott Davis, Chris Groninger, Aaron Nash, Lara Slifko

Administrative Office of the Courts (AOC) Staff: Theresa Barrett, Julie Graber

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, the May 15, 2019, meeting of the Arizona Commission on Access to Justice (ACAJ) was called to order by Judge Lawrence F. Winthrop, chair at 10:06 a.m.

B. Approval of Minutes

The draft minutes from the February 13, 2019, ACAJ meeting were presented for approval.

Motion: Helen Purcell moved to approve the February 13, 2019, minutes, as presented. **Seconded:** Janet Regner. **Vote:** Unanimous.

II. BUSINESS ITEMS AND POTENTIAL ACTION ITEMS

A. Chairperson's Report

Judge Winthrop reported on several access to justice events, projects, and topics.

- The 2019 National Meeting of State Access to Justice Commission Chairs and the Equal Justice Conference were held on May 10 and 11 in Louisville, KY. Arizona's updated annual statement is included in the meeting packet.
- There were group discussions at the Veterans Legal Services Summit on March 26, on how to better share information and legal resources for veterans. Judge Winthrop highlighted the work of the University of Arizona's Veterans Advocacy Clinic, which assists veterans with

representation at veteran courts; and in benefit and discharge upgrade cases.

- Pinal County launched online dispute resolution for those seeking to initiate or modify a family court matter and allows parties to negotiate their case with the help of a court facilitator. This free service is available 24 hours per day.
- The Pima County Public Defender's Office offers weekly "second chance" clinics regarding civil rights restoration, misdemeanor designation of unclassified felony convictions, and quashing warrants. Judge Winthrop referenced an article in the Yale Law Journal highlighting the potential benefit of legal aid assistance on reentry issues with the real-life example of Tarra Simmons.
- "Pima County Court Night" was held on March 26, 2019 and will be returning on October 15, 2019. There were presentations on divorce, custody, and guardianship issues from many agencies and organizations.
- Judge Winthrop highlighted updates from the Arizona Foundation for Legal Services & Education (Bar Foundation):
 - 20th anniversary of the Domestic Violence Legal Assistance Project.
 - The Arizona Department of Housing sponsored a statewide training for community action program case managers regarding landlord tenant law.
 - Innovations Awards were announced for projects that promote access to justice in unique and innovative ways: Arizona Legal Center; Maricopa County AmeriCorps Court Navigator Program; State Bar's Find a Lawyer tool; University of Arizona Law School "Innovation for Justice" Program; Step Up for Justice; and AOC court technology projects.

B. Report from the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup

Judge Anna Huberman reported that the workgroup was unable to reach a consensus regarding rule petition, R-19-0018, which would require the landlord to serve additional relevant documents, such as the lease and ledger, with the complaint. A comment was filed by Judge Winthrop, which summarizes the workgroup's opposing viewpoints without making a final recommendation. While workgroup members agreed that the tenant is entitled to relevant information, they differed regarding how the information should be provided. Judge Huberman also reported that the first group of eviction videos have been finalized and are posted by housing type (i.e., residential, mobile home, and recreational vehicle) in English and Spanish on AZCourts.gov. The next step is marketing the eviction content to the public.

C. Report on Other Rule Petitions

Julie Graber, AOC staff, reported on rule petition, [R-19-0011](#), which would reorganize exceptions to the usual attorney admission process. One comment was

filed from the AOC's Certification and Licensing Division with concerns regarding expanding practice pending to Bar Exam applicants. Judge Winthrop added that no comments have been filed regarding part of the rule petition that would encourage retired and inactive members of the State Bar to volunteer *pro bono* services in connection with an approved legal service organization.

D. AZFLSE Report on Law-Related Educational Programs

Lara Slifko and Joannie Collins from the Bar Foundation provided some background information regarding the LawForKids.org website since launching in 1999. The interactive and dynamic website receives between 175,000 and 200,000 users per year and is always trying to evolve to reach students with mock trials, games, contests, and apps. Ms. Slifko described law-related educational programs on LawForKids.org, such as Project Citizen, which is a portfolio-based civic education program for grades 5-12 that helps teachers and students understand public policy; We The People, which simulates a congressional hearing as the culminating activity; Arizona Teen Court Association, which empowers youth in their communities to help change negative and delinquent behavior in their peers; and Arizona High School Mock Trial program, which teaches students in grades 9-12 about the law and the legal system by participating in a simulated trial. Other initiatives include the When You Turn 18 program, which is distributed to high school seniors in the form of a booklet and will be turned into an app as of June 30, 2019; Kids Voting AZ, which is a voter education program that encourages lifelong voting habits; the School Safety Program, which provides law-related education to students and staff; iCivics.org, which is a web-based education project designed to teach civics using fun games; and the Law Day Contest, in which students from grades K-12 submit coloring sheets and comic strips, and the ones with the most "Likes" win a mini iPad. Ms. Collins invited members to vote for their favorite coloring sheets during her presentation.

E. Update on the Public Information and Messaging Workgroup

Aaron Nash, AOC Communications Director, reported that the State Tax Credit video was updated, and a joint meeting took place on April 1, 2019, between the Self-Represented Litigants in Limited Jurisdiction Courts Workgroup and the Public Information and Messaging Workgroup to discuss the roll out of the new eviction content on AZCourts.gov. Members from both workgroups have been compiling contact information for interested groups and partners, and demos of the eviction content will be presented to these groups. Scott Davis, Maricopa County Justice Courts Communications Director, summarized the subgroup's eviction marketing push.

- The new eviction "hub" consists of nine residential, seven mobile home, and seven recreational vehicle (RV) Legal Info Videos and transcripts; 14 Legal Info Sheets; and FAQs, which are all available in both English and Spanish on AZCourts.gov.

- Vanity URLs were created for easy navigation (azcourts.gov/eviction and azcourts.gov/desalojo). A home button was also added to the website, so users can easily return to the eviction home page.
- The marketing push will begin May 29, 2019, and last for one week.
- A press release will go out along with a digital marketing kit with pre-made image files and text for the main social media platforms.
- Judge Huberman will serve as the spokesperson to the media.

The next workgroup meeting is scheduled for June 6, 2019. The goal will be to focus on the topic of warrants and to develop content in different formats in a similar way as eviction. Mr. Nash also asked members to continue to send events to include on the Editorial Calendar.

Member comments:

- Will the eviction content be shared with the justice courts on a statewide basis? Judge Huberman reported that courts will be able to easily add a link on their websites to the new content. There has already been a lot of interest from groups and she will be looking for some volunteers to assist with the demos.

F. Report on the AZCourtHelp.org website *(agenda item out of order)*

Cathleen Cole, Bar Foundation, reviewed eviction-related Google Analytics on AZCourtHelp.org and noted that over 15,000 forms have been downloaded by users since September 2017 and the top two eviction resources are the Legal Info Sheets on “After an Eviction Judgment” and “Mobile Home Park Evictions.” Ms. Cole also reviewed Google Analytics, Search Engine Optimization, and enhanced features and content on the entire AZCourtHelp.org site for the period from January 30, 2019 through April 29, 2019. The statistics reflect an increase in the number of users and specifically the top pages viewed relate to finding court records and forms while top searches relate to divorces, name change, and warrants. Upcoming projects include developing a portal of information on warrants; adding an eviction glossary in English and Spanish; and preparing for probate and garnishment content.

Theresa Barrett, AOC staff to the commission, reported on a recent meet-and-greet that took place to discuss and coordinate the Legal Talks with court and law library representatives from Cochise, Coconino, Maricopa, Pima, and Yuma counties. At the meeting, each county reported on ongoing efforts and a list of action items was made to better collaborate moving forward. The goal is for the group to meet on a recurrent basis to improve the services offered.

G. Report on Evictions: Politics, Policy & Possibilities public event *(agenda item out of order)*

Will Knight reported on the “Evictions: Politics, Policy & Possibilities” public event that took place on April 29, 2019, at South Mountain Community College, which focused on engaging in productive dialogue with legal experts, state

officials, advocates, journalists, and peers, and educating stakeholders about the problems surrounding eviction. Special attention was placed on the impact of mental health issues on evictions as well as eviction's disproportionate impact on special populations, such as those receiving subsidized housing, the disabled, minorities, and women. Arizona has the second highest eviction rate in the nation.

H. Report from the Legal Services Task Force

Judge Maria Elena Cruz and Don Bivens reported on the Task Force on Delivery of Legal Services, which was established by Administrative Order No. 2018-111. The charge of the task force was to further promote access to justice in the Arizona judiciary by exploring issues and improvements in delivery of legal services and identifying that certain services can be provided by non-lawyers, as well as promoting new models for lawyers to provide legal services like unbundling. Mr. Bivens shared that the task force examined adding a new tier of non-lawyers, who, with specified qualifications, could be allowed to provide limited legal services in civil proceedings in limited jurisdiction courts, family court matters, and administrative hearings. He also discussed making changes to improve access to legal services provided by certified Legal Document Preparers. The task force is formulating recommendations that will (1) modify Arizona's ethical rules regarding advertising; (2) allow recent law graduates to practice law under the supervision of an attorney after graduation but before they are admitted to the bar; and (3) remove the explicit barrier to lawyers and non-lawyers co-owning businesses that engage in the practice of law.

Member comments:

- Judge Winthrop questioned whether adding a new tier of non-lawyers would resolve the issue related to the cost of legal services. The task force is aware of the problem, but the issue is who would pay for it. Some ideas that were shared included obtaining help from the private market or from charities, or as part of a navigator program. A member suggested setting up a fee structure to meet the gap if the client worked with an approved entity and the attorney volunteered hours as part of continuing legal education.
- Did the task force consider allowing courts to hire individuals to provide legal advice, not legal representation, for court users? Judge Cruz will bring the suggestion back to the task force.

I. Preliminary Results of the 2017 Legal Needs Study

Anthony Young explained that periodic legal needs studies are conducted by legal aid providers to help set priorities and to identify gaps in service and the areas of law that need to be addressed. Mr. Young reviewed the type of data collected and the survey methods to gather the data. He shared some preliminary results on the statewide 2017 study conducted by the Arizona Bar Foundation and legal aid providers.

- 80 percent of Arizonans reported having a legal problem.
- Arizonans are going to the Internet to resolve issues.

- 64 percent were unable to obtain a private or legal aid attorney to resolve their issue.
- The highest areas of needs include: (1) family law (divorce, child support, and domestic violence); (2) housing (habitability, safety, eviction); and (3) consumer law (debt issues).
- Emerging issues include civil rights restoration, minor and adult guardianship, and elder abuse.

The data will be compiled into a report and made available to the public. For legal aid providers, there will be internal conversations about the delivery of services and case priorities.

J. Report from the Inter-Governmental Collaboration Workgroup

Janet Regner reported on a meeting with a representative from the Task Force on Recidivism and Reentry at the Governor's Office, which focused on providing education about what legal services mean and cover. Suggestions were made about placing paralegals in Second Chance Centers and partnering with a Task Force subgroup that is made up by non-profits. Chris Groninger discussed federal funding opportunities for partnerships between state agencies and legal services providers. Maria Morlacci and Kevin Groman met with Christina Corieri from the Task Force on the Opioid Crisis at the Governor's Office to explore how the commission could assist their efforts. Suggestions were made for Ms. Corieri and the Task Force's chair, Dr. Cara Christ, from the Arizona Department of Health Services, to be added to the ACAJ November agenda to discuss the Task Force's goals and how ACAJ could assist.

K. New Strategic Plan for the Arizona Supreme Court

Vice Chief Justice Robert M. Brutinel discussed his upcoming five-year strategic plan for the Arizona Supreme Court when he becomes Chief Justice on July 1, 2019. This strategic plan provides direction and charge for both the Administrative Office of the Court and the commission and sets out goals and priorities. Justice Brutinel reviewed previous strategic agendas to reaffirm important goals and to highlight previous success. Promoting access to justice will continue to be an important initiative and the commission will be charged with expanding its work to ensure equal access to justice for all Arizonans by providing more information for the public through AZCourtHelp.org and AZCourts.gov; working with the Bar Foundation and the State Bar to improve access to legal services and legal information for individuals with modest incomes; and establishing a workgroup to identify ways to simplify court processes and procedures. Other access to justice initiatives will include evaluating online dispute resolution pilot projects; implementing recommendations from the Task Force on the Delivery of Legal Services; expanding training and resources to provide support for self-represented litigants; and expanding services for limited English-proficient litigants.

III. OTHER BUSINESS

A. Good of the Order/Call to the Public

None present.

B. Next Meeting Date

Wednesday, November 13, 2019

10:00 a.m. to 2:00 p.m.

State Courts Building, Room 119

1501 W. Washington Street

Phoenix, AZ 85007

Adjourned at 1:49 p.m.